

Serial No. 10/613,605  
Attorney Docket No. 24170759.16

### REMARKS/ARGUMENTS

The Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and the following remarks/arguments. Claims 1-25 were originally filed in the present Application. By Preliminary Amendment, claims 2, 4, 5, 9, 19 and 20 were canceled, without prejudice or disclaimer, claims 26-48 were added, and claims 1, 3, 6-8, 10-18 and 23-25 were amended. By prior Amendment, Applicants amended claims 1, 3 and 8, canceled claim 10, and withdrew claims 6, 12, 14-18 and 21-48 in response to the Examiner's Restriction Requirement. By the present Amendment, the Applicants have amended claim 1, 7, 8, 11 and 13, and have added new claim 49. Accordingly, claims 1, 3, 7, 8, 11, 13 and 49 are pending in the present Application. No new matter has been added.

#### **I. OBJECTIONS AND FORMAL MATTERS**

The Examiner has objected to the drawings on various grounds. First, the Examiner objects to the labeling of the replacement sheets. In addition, the Examiner objects that the replacement sheets do not display the same figures as the originally filed drawings sheets. In response to these two grounds of objection, the Applicants have submitted new replacement sheets carrying the proper labels and figures. Thus, the Applicants request that the Examiner withdraw these grounds of objection.

The Examiner has also objected to the drawings on the basis that FIG. 15B is not a proper cross-section of FIG. 15A, as originally indicated. As the Examiner has suggested, the Applicants have added amended original FIG. 15A to now be FIG. 15, and have added new FIG. 15A, which illustrates a proper cross section view of newly renamed FIG. 15. New FIG. 15A is presented on drawing sheet 7 of 9, which originally only included FIG. 15B. Accordingly, the

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Applicants also request that the Examiner withdraw these grounds of objection.

The Examiner has also objected to the drawings as allegedly not illustrating certain claimed terms, namely, the terms "outermost diameter" and "outer diameter" recited in claim 1. Similarly, the Examiner has also objected to the specification as allegedly not providing proper antecedent basis for these claimed features. In response, Applicants have amended the specification in the appropriate place to include a clearer description of subject matter originally covered by the specification. Moreover, because the figures, as originally filed, clearly illustrated an "outermost diameter" and an "outer diameter" of the fasteners 200A, 200B (e.g., item #222), amending the specification to include express references to these illustrated features does not constitute adding new matter. As such, adding a description of that which was originally illustrated in the drawings cannot be considered new matter. Accordingly, in view of the amendment to the specification, the Applicants respectfully request that this objection also be withdrawn in review of these amendments.

The Examiner has also objected to the specification for improperly describing the location of the "stop 222" (now renamed stops 222A and 222B). In response, the Applicants have amended paragraph [0057] of the specification to more clearly describe the possible location of the stops 222A, 222B. Since the amended description for the location of one or more stops 222A, 222B was already illustrated in the original drawings as filed, amending the specification to expressly describe such location(s) does not constitute the addition of new matter to the disclosure. In view of this amendment to the specification, the Applicants also request that the Examiner withdraw this objection.

The Examiner has also objected to claim 1 for including the phrase "such as a rail". Although the Applicants do not agree that the inclusion of this phrase renders claim 1

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objectionable, claim 1 has been amended to remove this phrase, and consequently broaden its scope. In view of this amendment, the Applicants request that the objection be withdrawn.

## II. REJECTIONS UNDER 35 U.S.C. §112

The Examiner has rejected independent claim 1 under 35 U.S.C. §112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, the Examiner states that the use of the term "outermost diameter" in claim 1 is misleading. While the Applicants do not necessarily agree with the Examiner's assertion, the Applicants have amended the specification and the drawings in for other reasons, which has removed the allegedly offending phrases from claim 1. Because the Applicants believe these amendments alleviate any potential confusion regarding this limitation, the Applicants respectfully request that this rejection of claim 1 and its dependent claims under §112, second paragraph, be withdrawn.

## III. REJECTIONS UNDER 35 U.S.C. §102

The Examiner has rejected independent claim 1 and its pending dependent claims under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 3,539,234 to Rapata. The Applicants respectfully assert that independent claim 1 and its dependent claims are not anticipated or rendered obvious by Rapata. In view of the distinctions between the claimed subject matter and Rapata's disclosure, the Applicants respectfully disagree with the maintenance of the prior art rejections for, among other reasons, those previously expressed by the Applicants. The Applicants intend to pursue such subject matter in one or more later filings based on the present Application. However, in the interests of moving towards an allowance of the pending claims, and given that the pending Office Action is a final action and an interview

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with the Examiner was denied, the Applicants have again amended claim 1 to remove any issue of patentability with respect to Rapata.

More specifically, the Applicants have amended claim 1 to recite that the first engaging surface has first ridges adapted to frictionally engage an interior surface of the opening in the picket, and that the mating surface has second ridges adapted to frictionally engage an interior surface of the second article. In addition, claim 1 one has been amended to recite that at least one of the first ridges may slant towards the second ridges, and at least one of the second ridges may slant towards the first ridges. As such, either or both sets of ridges resists removal of the first or second article when frictionally engaging the interior surface of that article. As such, the frictional engagement of the first engaging surface and the mating surface with these ridges is sufficient to fixedly connect the picket to the second article. Support for these additions to claim 1 is expressly provided in the original specification in paragraph [0056], as well as in FIG. 15B, as originally filed. Thus, these amendments do not constitute the addition of new matter to the disclosure.

In contrast to amended claim 1, the device of Rapata does not include first and second ridges on first and second surfaces, where one or both sets of ridges are respectively slanted toward each other. Rapata's device does appear to include projections (e.g., item #14h in FIG. 16), however, these projections are not slanted in the manner disclosed in the present Application and expressly recited in amended claim 1. Moreover, there is nothing inherent in Rapata's device that would lead to the projections being slanted as presently claimed. Specifically, the projections on Rapata's device expressly provide some frictional engagement of the interior surface of the aperture 30, while still permitting movement of the device within the aperture 30, as discussed at length in the prior Amendment. Slanting these projections in the opposing

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directions recited in claim 1 would offer no benefit to Rapata's device, and would in fact serve to frustrate, if not completely prevent, the desired movement of Rapata's device within the aperture.

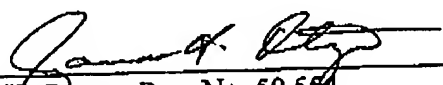
In view of the present amendments and the above discussion, in addition to the reasons set forth in the prior Amendment, Rapata does not disclose all of the elements of independent claim 1, and its dependent claims. As such, the Applicants respectfully request that the Examiner withdraw the §102(b) rejection with respect to the presently pending claims.

#### IV. CONCLUSION

The Applicants respectfully submit that pending claims 1, 3, 7, 8, 11, 13 and 49 are in condition for allowance, and request a Notice of Allowability for the pending claims. Moreover, the Applicants further assert that independent claim 1 is a generic independent claim, and thus respectfully request that the Examiner remove the species-based Restriction Requirement to those embodiments in the present Application covered by independent claim 1. The Examiner is invited to contact the undersigned Attorney of Record if such would expedite the prosecution of the present Application. The Applicants note that the present Amendment is being filed within three months of the mailing date of the Final Office Action dated June 3, 2005. Although no fees are believed due with the present Amendment, if it is determined that fees are due, please charge Deposit Account No. 13-0480, referencing the Attorney Docket Number specified herein.

Respectfully submitted,

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